

City Council Agenda

Council President
Mike Dages

Councilmembers

Tom Boyajian
Brian Calhoun
Jerry Duncan

Henry T. Perea
Cynthia Sterling
Larry Westerlund

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

April 19, 2005

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. – 4:30 p.m. and re-played beginning at 8:30 p.m.

8:30 A.M. ROLL CALL

Invocation by Jennifer Blohm, Student at CSUF

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "ROBERT AND SHIRLEY HARRIS AND JACK AND JILL EDUCATION CENTER DAY" – Council President Dages

Proclamation of "EARTH WEEK" – Councilmember Perea

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of April 12, 2005

Action Taken:

Approve Fresno Joint Powers Financing Authority minutes of April 12, 2005 (*Members Boyajian and Duncan*)

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.)

- A. * Extend an interim requirements contract to Allstar Fire Equipment, Inc. of Hayward, CA for structural firefighting protective garments (turnouts) – General Services Dept., Purchasing/Fire Dept
Action Taken:
- B. * Award a requirements contract to Neptune Technology Group Inc. of Tallahassee, AL for ¾" – 2" water meters – General Services Dept. - Purchasing/Public Utilities Dept. - Water Division
Action Taken:
- C. Approve substitution of subcontractor for the Fresno Yosemite International, Ticket Lobby Rehabilitation Project, CIP No. AC00174 – Public Works Dept.
Action Taken:
- D. * Approval of agreement between the City of Fresno and the County of Fresno for the installation of the Lao Hmong American War Memorial in Courthouse Park – Mayor's Office and Public Works Dept.
Action Taken:
- E. * Approve the acquisition of an easement from APN 433-533-18 at 3205 N. Knoll Avenue for the extension of an underground water main – Public Works Dept.
Action Taken:
- F. Consideration of proposed Dakota-Hayes No. 2 Reorganization and approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 80 acres from the North Central Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno (***Property located in District 1***) – Planning and Development Dept.
Action Taken:
1. **AFFIRM** the action of the City Council of November 30, 2004, adopting Environmental Assessment No. A-04-07/R-04-18/T-5316, dated October 12, 2004, finding of Mitigated Negative Declaration
Action Taken:
2. **RESOLUTION** – Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Dakota-Hayes No. 2 Reorganization
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- G. Consideration of proposed Copper-Maple No. 3 Reorganization and approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 19.49 acres from the Fresno County Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno (***Property located in District 6***) - Planning and Development Dept.

Action Taken:

1. **AFFIRM** the action of the City Council of May 11, 2004, adopting Environmental Assessment No. R-03-68/T-5261, dated February 20, 2004, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

Action Taken:

2. **RESOLUTION** – Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Dakota-Hayes No. 2 Reorganization

Action Taken:

- H. * Authorize the City Manager to execute an agreement with the County of Fresno to fund a Juvenile Probation Officer position for supervision of juvenile offenders performing community service - Planning and Development Dept.

Action Taken:

- I. Approve appointment of Ken Nerland to the City of Fresno Fire and Police Retirement System and the City of Fresno Employees Retirement System - Mayor's Office

Action Taken:

- J. * Approve Lease Agreement between Grantland Avenue, LLC, and the City of Fresno for Temporary Fire Station 18 – Fire Dept.

Action Taken:

- K. Consider alignment and width of proposed public streets for a 24-lot industrial parcel map for property located on the south side of East Shields Avenue between North Business Park and North Sunnyside Avenues – Planning and Development Dept.

Action Taken:

1. **RESOLUTION** – Approval of the street alignment and width of a proposed public street within the boundaries of Vesting Tentative Parcel Map No. 2004-35

Action Taken:

- L. Consider alignment and width of proposed public streets for a 33-lot industrial parcel map for property located on the southeast corner of North Chestnut Avenue Diagonal and North Winery Avenue – Planning and Development Department

Action Taken:

1. **RESOLUTION** – Approval of the street alignment and width of two proposed public streets within the boundaries of Vesting Tentative Parcel Map No. 2004-24

Action Taken:

- M. **BILL – (For introduction)** - Adopting changes and additions to the official list of truck routes for the movement of vehicles exceeding a maximum gross weight of twelve thousand pounds pursuant to Fresno Municipal Code Section 10-1303 – Public Works Dept.

Action Taken:

2. **GENERAL ADMINISTRATION**

3. **CITY COUNCIL**

- A. Council discussion regarding the disposition of in-lieu-fees in the FY '06 budget - Councilmembers Calhoun and Duncan

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. SCHEDULED COMMUNICATION -**
- B. UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.
- 9:15 A.M. Introduction of Delegation from China**
- 10:00 A.M. BILL - (*For Introduction*) - Amending Section (f) of Section 7-546 of the Fresno Municipal Code relating to permissible games in a card room - Councilmember Sterling**
Action Taken:
- 10:30 A.M. HEARING** regarding Community Facilities District No. 2, Annexation No. 88, Final Tract Map No. 5224 – Public Works Department
Action Taken:
- a. RESOLUTION** - Directing preparation of a modified report analyzing impact of proposed change of services and increase in probably special tax for proposed modification to Resolution of Intention No. 2005-88 (to annex Tract No. 5224 as Annexation No. 88 to the City of Fresno Community Facilities District No. 2 and to authorize levy of a special tax)
Action Taken:
- b. RESOLUTION** - Receiving and approving the modified District Report and modifying Resolution of Intention No. 88 to City of Fresno Community Facilities District No. 2
Action Taken:
- c. RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No. 88 Final Tract Map No. 5224 and authorizing the levy of a special tax
Action Taken:
- d. RESOLUTION** – Calling a special mailed-ballot election
Action Taken:
- e. RESOLUTION** – Declaring election results
Action Taken:
- f. * BILL** – Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 88, Final Tract Map No.5224
Action Taken:
- 10:35 A.M. TEFRA HEARING** as required by Section 147(f) of the Internal Revenue Code of 1986 to hear and to consider information concerning the proposed issuance of industrial development bonds by the California Statewide Communities Development Authority for the purpose of financing the construction, improvement and equipping of tempering and drip-dry rooms owned and operated by Busseto Foods, Inc., and certain other matters related thereto – Finance Dept.
Action Taken:
- a. * RESOLUTION** – Approving the issuance of the California Statewide Communities Development Authority industrial development bonds in an aggregate principal amount not to exceed \$4,000,000 for the purpose of financing the construction, improvement and equipping of tempering and drip/dry rooms at facilities owned and operated by Busseto Foods, Inc. and certain other matters relating thereto
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

11:00 A.M.#1 HEARING to consider resolution of public use and necessity for the acquisition of permanent easements and rights of way for public street purposes and temporary construction easements from the following parcel of real property located at the intersection of Blackstone and Bullard Avenues in the City of Fresno: 407-154-08 owned by Southland Corporation, 7-Eleven Inc.; 409-191-09 and 409-191-20 owned by Bahman Ighani; 418-050-32 owned by Mark Topoozian; 418-050-62 owned by Target Corporation **(Property located in Districts 2 and 6)** – Public Works Dept.

Action Taken:

- a. * **RESOLUTION** – Determining that the public interest and necessity require and authorizing eminent domain for acquisition of permanent easements and rights of way for public street purposes and temporary construction easements from real property located at the intersection of Blackstone and Bullard Avenues in the City of Fresno: 407-154-08; 409-191-09; 409-191-20; 418-050-32; and 418-050-62 **(Requires 5 affirmative votes)**

Action Taken:

11:00 A.M.#2 Matters regarding property located at 800 and 808 “M” Street – City Manager’s Office

1. * Approve the purchase of the land commonly referred to as 800-808 “M” Street from the Ophelia Family, L.P. and Dianne Ophelia for the price of \$3,000,000

Action Taken:

2. Authorize the City Manager to sign all purchase related documents

Action Taken:

3. * **RESOLUTION** – 78th amendment to AAR No. 2004-209 appropriating \$3,120,000 in anticipated bond proceeds for the purchase of land commonly referred to as 800-808 “M” Street **(Requires 5 affirmative votes)**

Action Taken:

4. * **RESOLUTION** – Declaring the official intent of the City of Fresno to reimburse certain expenditures from proceeds of indebtedness to be paid upon issuance of bonds for construction and related costs of the hotel

Action Taken:

2:00 P.M.#1 **CONTESTED CONSENT CALENDAR**

2:00 P.M.#2 **CLOSED SESSION**

A. CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6 (Council President Dages)

City Negotiator(s): Ruth F. Quinto

Employee Organization(s):

1. International Association of Firefighters (IAFF) – Basic Unit
2. International Association of Firefighters (IAFF) – Management Unit
3. International Union of Operating Engineers, Local 39
4. Fresno City Employees Association (FCEA)
5. Fresno Police Officers Association (FPOA Management Unit)

Action Taken:

2:00 P.M.#3 **CLOSED SESSION OF THE REDEVELOPMENT AGENCY**

B. PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT - Government Code Section 54957

Title: Appointment of Executive Director – Councilmember Calhoun

Action Taken:

2:00 P.M.#3 **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:00 P.M. **HEARING** to consider an appeal of Fresno City Planning Commission action regarding approval of Vesting Tentative Tract Map No. 5298/UGM, filed by Fresport Partners, proposing a 37-lot industrial/commercial subdivision of approximately 28 acres on property located on the southwest side of North Parkway Drive and Freeway 99, north of the Herndon Canal and east of the planned alignment of North Island Waterpark Drive – Planning and Development Dept.

Action Taken:

- a. **RESOLUTION** – Approving Vesting Tentative Tract Map No. T-5298/UGM and denying the appeal of the Planning Commission's action to approve this Vesting Tentative Tract Map subject to all the staff-recommended conditions

Action Taken:

3:30 P.M. **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of March 15, 2005

Action Taken:

- A. **RESOLUTION** - Authorizing the Executive Director to execute the assignment of right to receive reimbursement from Fresno Metropolitan Flood Control District, Master Plan Facilities, Agreement No. 1232(D)-KK-18, SPR 2002-168, between the Redevelopment Agency of the City of Fresno, the Fresno Metropolitan Flood Control District and the Stravinski Development Group (SDG) for the reimbursement of flood control fees to the Agency relative to the installation of master drainage facilities from Elm and Vine Avenues to Drainage Basin "KK" located just east of Elm Avenue within the South Fresno Redevelopment Project Area **(Agency and Council action)**

Action Taken:

- B. Council receipt of the Annual Report of the Redevelopment Agency of the City of Fresno for fiscal year 2003-2004 **(Council action)**

Action Taken:

ADJOURN AGENCY

4:30 P.M. **CONTINUED HEARING** to consider Fresno City Planning Commission decision regarding Conditional Use Permit (CUP) Application No. C-02-226, and environmental findings, filed by Wilkins Enterprises **(Applicant requests continuance to May 3, 2005 at 4:30 p.m.)**

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

April	26 -	NO MEETING – COUNCIL BREAK
May	3 -	9:45 A.M. Draft 2006-2010 Consolidated Plan.
May	3 -	10:00 A.M. Presentation of Employee Service Awards (Reception immediately following – 2 nd floor foyer)
May	3 -	11:00 A.M. WORKSHOP regarding Worker's Compensation – Councilmember Sterling
May	3 -	2:30 P.M. RESOLUTION re: Fresno International Motor Sports complex – Council President Dages
May	3 -	2:45 P.M. HEARING to consider adoption of resolutions amending the Storm Drainage and Flood Control Master Plan and amending the drainage fees and costs for each local drainage area for all developments within the joint area of the City of Fresno and the Fresno Metropolitan Flood Control District
May	3 -	3:00 P.M. WORKSHOP re: (Public Works Dept.)
May	3 -	4:30 P.M. CONTINUED HEARING to consider Fresno City Planning Commission decision regarding Conditional Use Permit (CUP) Application No. C-02-226, and environmental findings, filed by Wilkins Enterprises
May	10 -	10:00 A.M. WORKSHOP to consider implementation and use of traffic signal fees and implementation of new CFD – Council President Dages
May	10 -	2:30 P.M. Presentation by the Fresno County Transportation Authority Advocates Office on the Education of measure "C" 1986 through the present time – Public Works Dept.
May	17 -	10:00 A.M. HEARING re: Change of services for Tract 5137, Community Facilities District No. 2
May		
May	24 -	NO MEETING- MEETING CANCELLED
May	31 -	NO MEETING - MEMORIAL DAY
June	7 -	10:15 A.M. HEARING re: CFD No. 2, Annexation No. 91, Final Tract Map No. 5310
June	7 -	10:20 A.M. HEARING re: CDF No. 2, Annexation No. 92, Final Tract Map No. 5391
June	7 -	10:30 A.M. HEARING to consider vacation of a portion of Tuolumne Street between the Broadway – Fulton alley and Fulton Street (R.I. 1040-D) – Public Works Dept.
June	7 -	11:00 A.M. Direction to staff regarding proposed charter amendments – Councilmember Duncan

(Future workshops – dates to be determined)

(June) WORKSHOP – Follow-up discussion regarding Caltrans discussion held 12/7/2004

WORKSHOP – Urban Forest

WORKSHOP regarding P.W. and Planning and Development Depts. entitlement application infrastructure requirements